mentally upon the intention of the parties, it would seem that the holding of the principal case is correct. *Moon* v. *Simpson* (N. C. 1916), 90 S. E. 578, is in accord.

BOUNDARIES—TITLE TO BED OF NONNAVIGABLE LAKE.—Plaintiff and defendant own adjacent land on a small unnavigable lake, oval in shape. Defendant removed ice from this lake at a point immediately in front of plaintiff's land, and the latter brings trespass for the alleged invasion. *Held,* each abutting owner is entitled to the land under water in front of his premises to the thread of the stream; judgment, therefore, for plaintiff. *Calkins* v. *Hart* (N. Y. 1916), 113 N. E. 785.

It is the common law that riparian landowners take title ad medium filum aquae, but there is no unanimity of decision as to the ownership of lake beds. The question is always affected by the extent and navigability of the water. Where the lake is small and unnavigable, the view adopted in the instant case, that the abutting owners take to the center thereof, is the prevailing one. *Wilcox* v. *Bread,* 37 N. Y. Supp, 867, affirmed 157 N. Y. 713, 53 N. E. 1133; *Hardin* v. *Jordan,* 140 U. S. 371, 35 L. Ed. 428; *Harrison* v. *Fite,* 148 Fed. 781, 78 C. C. A. 447; *Providence Hunting Club* v. *Miller Mfg. Co.,* 117 Va. 557, 83 S. E. 1047; *In re Tucker,* 126 Minn. 214, 148 N. W. 60; *Conneaut Lake Ice Co.* v. *Quigley,* 225 Pa. 605, 74 Atl. 648; *Johnson* v. *Elder,* 92 Ark. 30, 121 S. W. 1066. Contra: *Fuller* v. *Shedd,* 161 Ill. 462, 44 N. E. 286; *Noyes* v. *Collins,* 92 Ia. 566, 61 N. W. 250; *Concord Mfg. Co.* v. *Robertson,* 66 N. H. 1, 25 Atl. 718; *Robinson* v. *White,* 42 Me. 209. In England the law is likewise unsettled, see *Bristow* v. *Cormican* (1878), L. R. 3 App. Cas. 641. The more perplexing problem still remains, namely, what is to be taken as the center of the lake. The practical difficulties of equitably dividing the bed of an irregularly shaped lake are apparent, and the methods of solution, suggested or adopted, are not outnumbered by the geometrical possibilities. Where, as in the principal case, one diameter distinguishably exceeds the other, the common law rule applicable to unnavigable streams, supra, has, in several cases, been suggested with approval, or adopted. *Hardin* v. *Jordan,* supra; *Ledyard* v. *Ten Eyck,* 36 Barb. 102; *Marshall* v. *Steam Navigation Co.,* 3 Best & Smith 732; *Ridgway* v. *Ludlow,* 58 Ind. 248; *Lembeck* v. *Nye,* 47 Ohio St. 336. For full discussion see BREWSTER, CONVEYANCING, § § 111-118. In the principal case it was the theory of the defense that the geographical center of the lake should be determined, and the side boundary lines of each abutting lot extended thereto, thus giving to each owner a triangular strip of the lake bed. This plan of division was adopted in *Schiefert* v. *Briegel,* 90 Minn. 129; but in that case the lake was nearly round. A review of the few decisions which discuss the problem discloses no general rule which could be justly applied in all cases.

CARRIERS—LIABILITY FOR STATEMENTS OF CONDUCTOR.—Plaintiff bought a ticket from Manning to Kingstree via Florence, at which place defendant's printed schedule showed a misconnection. He relied on a statement made to him five days before by a conductor on one of defendant's trains that the

train scheduled to leave Florence shortly before the arrival of the train from Manning was customarily held to accommodate passengers for Kingstree. He failed to make the connection, and was compelled to take a later train from Florence. *Held,* that defendant was liable in damages for the delay. *Cleckley* v. *Atlantic Coast Line R. Co.,* (S. C. 1916), 90 S. E. 32.

It is well settled that a railroad company is liable for delay proximately resulting from the misdirection of a passenger by a servant of the company having the requisite authority. *St. Louis S. W. Ry. Co.* v. *White,* 99 Tex. 359, 2 L. R. A. N. S. 110, and note. The liability, however, has usually been confined to cases of misdirection by a ticket agent at or shortly before the purchase of the ticket, or by a station agent, gatekeeper, or brakeman at the time of taking the train. *Mace* v. *Southern Ry. Co.,* 151 N. C. 404, 24 L. R. A. N. S. 1178 and note. Although it is not essential to the liability that the misdirection be contemporaneous (*Southern R. Co.* v. *Nowling,* 156 Ala. 222, 47 So. 180), it has been held that it will not bind the company if made a considerable time before the purchase of the ticket (*Atchison, T. & S. F. R. Co.* v. *Cameron,* 66 Fed. 709) and a casual statement by an agent, not a part of the consideration on which the ticket was purchased, has been held not to render the company liable for misdirection (*Dresser* v. *Canadian Pac. Ry. Co.,* 116 Fed. 281). A railroad company is not liable for a misdirection by an agent outside the scope of his authority (*Texas & P. Ry. Co.* v. *Smith,* 38 Tex. Civ. App. 4, 84 S. W. 852), and it has been held that the authority of a conductor does not extend to making the company liable for damages resulting from a reliance on promiscuous statements by him regarding the operation of the road (*Houston, E. & W. T. Ry. Co.* v. *Rogers,* 16 Tex. Civ. App. 19, 40 S. W. 201; *Gerardy* v. *Louisville & N. R. Co.,* 102 N. Y. Supp. 548, 52 Misc. 466). In the latter case it was held that the company was not liable for damages resulting from a reliance on the statement of the ticket agent, made at the time the ticket was purchased, and that of the conductor, made at the time the train was boarded, that it would make up for lost time. The facts in that case made a much stronger basis for liability than those in the principal case, since the misdirection was contemporaneous with the purchase of the ticket and the boarding of the train, and yet the liability was denied. The principal case goes far to make the railroad company liable for damage which, in the light of the previous decisions, might well have been considered *damnum absque injuria.*

CONSTITUTIONAL LAW—POLICE POWER—EQUAL PROTECTION OF LAW.—An ordinance of the City and County of San Francisco provided that "no person or persons owning or employed in the public laundries or public wash houses * * * shall wash, mangle, starch, iron, or do any other work on clothes between the hours of 6 o'clock P. M. and 7 o'clock A. M." *Held,* that the ordinance is unconstitutional. *Yee Gee* v. *City and County of San Francisco,* 235 Fed. 757.

In reaching the above conclusion, the court gave consideration to the two following problems: (a) Is this a fair, reasonable, and appropriate exercise of the police power of the state, or is it an unreasonable, unneces-